

**From:** [Jessica Hernandez](#)  
**To:** [Axe, Al](#)  
**Cc:** [Anne Foster](#); [Gary Miller](#); ['Cermak, John F.'](#); ['singlin@bakerlaw.com'](#)  
**Subject:** RE: San Jacinto River Fleet Issues  
**Date:** 01/17/2012 02:50 PM

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Hi Al-

Here's the update-- the River Fleet contractors have completed the draft plan and sent it through the contractor's internal review process. Once that is complete, they will submit the plan to SJ River Fleet for their review and then pass it on to us. We expect to receive the plan in two or three weeks barring any unforeseen developments. We have not scheduled a date for SJRF's presentation, but I will let you know once we get something set up.

After further review, Gary decided not to supplement his initial comments on SJRF's proposed plan, so there is no additional correspondence to pass along at this time.

Feel free to give Anne or myself a call with any follow-up questions or concerns.

Many thanks,

Jessica

Jessica Hernandez  
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▼ "Axe, Al" ---01/17/2012 12:04:27 PM---Jessica, Could you please let us know if anything has transpired on this issue since you sent us th

From: "Axe, Al" <aaxe@winstead.com>  
To: Jessica Hernandez/R6/USEPA/US@EPA, "Cermak, John F." <jcermak@bakerlaw.com>, "singlin@bakerlaw.com" <singlin@bakerlaw.com>  
Cc: Anne Foster/R6/USEPA/US@EPA, Gary Miller/R6/USEPA/US@EPA  
Date: 01/17/2012 12:04 PM  
Subject: RE: San Jacinto River Fleet Issues

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Jessica,

Could you please let us know if anything has transpired on this issue since you sent us the attached email? You had indicated in your email that Gary Miller was planning to supplement his comments on SJRF's initial proposed plan and then SJRF would prepare a detailed plan and present it to the EPA at a meeting in Dallas. Has any of this occurred to



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date or is anything scheduled? To the extent there has been any additional correspondence between SJRF and EPA (including the submission of any plans), could you please send us copies of the correspondence?

Thank you for your assistance. Al

**Albert R. Axe, Jr.**

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**From:** Hernandez.Jessica@epamail.epa.gov

[mailto:Hernandez.Jessica@epamail.epa.gov]

**Sent:** Tuesday, November 29, 2011 5:39 PM

**To:** Axe, Al; Cermak, John F.; singlin@bakerlaw.com; Sonja A.; Sonja A.

**Cc:** Foster.Anne@epamail.epa.gov; Miller.Gary@epamail.epa.gov

**Subject:** San Jacinto River Fleet Issues

Al/John/Sonja:

After speaking with Al this afternoon (John--we tried to reach you), I was able to touch base with my clients and had some information to share.

At this time, EPA does not have a basis to order San Jacinto River Fleet (SJRF) to cease its operations. We are mindful of your concerns regarding their ongoing operations and are affording them an opportunity to push ahead with the sampling and monitoring efforts they have volunteered to undertake. Of course, we will take into account any suggestions you may have as we move forward in the process and incorporate those we feel are appropriate. To that end, I have attached the letter Gary Miller sent out to SJRF last week regarding their initial proposed plan. We are planning to supplement our preliminary comments with additional ones after Gary is able to take a more thorough look at some of the suggestions you had to offer in this morning's call.

After a detailed plan is drafted, SJRF will come to EPA to give a presentation on the proposed plan. After speaking with my clients more about this, we feel it is appropriate to limit the audience for the presentation to EPA and SJRF. Although we had initially discussed

including a larger group, given the fact this work will be completed pursuant to an AOC with EPA, it is an integral step in our negotiations process and should be protected as such.

Lastly, I want to reiterate that EPA has not made any determination regarding SJRF's potential CERCLA liability at the SJRWP site, therefore, neither SJRF's proposal nor our response should be interpreted to do so.

Please feel free to give me a call with any further questions or clarifications.

Many thanks. Jessica

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